

## **3 FAM 3440 MILITARY LEAVE**

*(TL:PER-429; 11-07-2001)*

### **3 FAM 3441 AUTHORITY**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service & Civil Service Employees)*

The authorities for this policy are as follows:

- (1) 5 U.S.C. 6323;
- (2) 5 U.S.C. 5519; and
- (3) OPM Guidance.

### **3 FAM 3442 GENERAL**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service & Civil Service Employees)*

a. All *full-time* career employees and limited appointees whose appointments are for one year or more are entitled to military leave, when official orders are presented to the *leave-approving officer identified in 3 FAM 3444*. *Military leave is prorated for part-time career employees and employees on an uncommon tour of duty (see 3 FAH-1 H 3440, Exhibit 3441.1)*. *Employees who are members of the:*

- (1) Army National Guard of the United States;
- (2) Army Reserve;
- (3) Naval Reserve;
- (4) Marine Corps Reserve;
- (5) Air National Guard of the United States;
- (6) Air Force Reserve; and

- (7) Coast Guard Reserve, must be granted military leave not to exceed 15 workdays per fiscal year for active duty, active duty training and inactive duty training without loss of pay, time, or performance or efficiency rating. Except as provided in 3 FAM 3442 b and d, an employee may carryover a maximum of 15 days into next the fiscal year, not to exceed a total of 30 workdays in a fiscal year.
- b. Twenty-two (22) workdays of military leave per calendar year shall be authorized for emergency duty as ordered by the President or a State governor. This may be for law enforcement or protection of life and property.
  - c. Unlimited military leave is also authorized for employees who are members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under Title 39 of the District of Columbia Code.
  - d. Reserve and National Guard technicians only are entitled to 44 workdays of military leave per calendar year for duties abroad under certain conditions.
  - e. Employees ordered to extend active duty for general service with the Armed Forces shall be placed on military furlough (see 3 FAM 2560.)

## **3 FAM 3443 COMPUTATION OF MILITARY LEAVE**

### **3 FAM 3443.1 General**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. Military leave may be taken intermittently, a day at a time, or as otherwise directed under orders issued by competent military authority. *An employee may be charged military leave only for hours of duty during which the employee will otherwise have worked or received pay. Non-workdays (typically weekends and holidays) that fall within a period of absence for military service are not charged against the military leave allowable during the fiscal year.*
- b. Generally, if a training period extends beyond 90 calendar days, the employee will be placed on military furlough, or separated for military service *(see 3 FAM 2560.)*

### **3 FAM 3443.2 Absences in Excess of Allowable Days**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service & Civil Service Employees)*

Absence which is not chargeable to military leave may be charged to annual leave. Therefore, *an* employee *who is a* member of the Reserve components of the Armed Forces *or the National Guard and* who are called for a period of training or for a period of active duty or inactive duty beyond the allowable period chargeable to military leave, may receive civilian pay concurrently with *military* pay and allowances for training or active duty beyond such allowable period.

### **3 FAM 3443.3 Prohibition Against Active Civilian Employment**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service & Civil Service Employees)*

- a. National Guard members who are ordered into the active *or inactive* military service of the United States with the military pay and allowances of their grades, may not be employed during the period of such service in an active civilian capacity under the U.S. Government.
- b. However, these Guard members may *use accrued military* leave during the current fiscal year. Also, they may be carried in an annual leave status to the extent of their accrued annual leave during the period of their active military service.

### **3 FAM 3443.4 Overtime and Night-Differential Pay**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)  
(Applies to Foreign Service & Civil Service Employees)*

An employee on military leave, who is absent on a day on which the employee is regularly scheduled to work, *is entitled to* overtime compensation for that day, provided the employee otherwise would be eligible for such premium pay because the overtime period would be either in excess of the 40-hour work week or in excess of eight hours in a day. When an employee's tour of duty permits payment of night differential pay, the employee is entitled to night differential pay during military leave.

### **3 FAM 3444 REQUESTING AND GRANTING MILITARY LEAVE**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. The employee must submit a written request for military leave and a copy of the orders to the leave-approving official.
- b. The employee may request any *annual leave or leave without pay in addition to military leave as prescribed in accordance with those leave regulations (see 3 FAM 3440 and 3 FAM 3510.)*
- c. *Leave approving officials authorized to grant annual leave may grant military leave to employees (both abroad and in the United States).*

### **3 FAM 3445 COMPENSATION AND TRAVEL EXPENSES**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

While on military leave and annual leave granted for military training purposes, Foreign Service employees may be paid salary, differential, and allowances in accordance with pertinent regulations, even though they may also be compensated from appropriations of the Armed Forces during the period of training. *Transit time can be charged to military leave in connection with leave for training in the Armed Forces, if transit time occurs during hours an employee otherwise would have worked and received pay.*

### **3 FAM 3446 PROCEDURES AND GUIDELINES**

*(TL:PER-429; 11-07-2001)*

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

See 3 FAH-1 H-3440.

### **3 FAM 3447 THROUGH 3449 UNASSIGNED**